

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT FARRELL, )  
vs. )  
Plaintiff, )  
vs. )  
OFFICER BREIDENSTEIN, *et al.*, )  
Defendants. )  
NO. CIV-22-0978-HE

## ORDER

The court previously dismissed plaintiff Robert Farrell's complaint but gave him leave to amend. He filed an amended complaint which was substantially the same as his original complaint except that it added individual capacity claims against the individual defendants. The court dismissed all claims asserted in plaintiff's amended complaint except plaintiff's individual capacity Eighth Amendment claims against defendants Breidenstein, Ferrell, and Stevens. United States Magistrate Judge Shon T. Erwin has issued a Report and Recommendation recommending that this action be dismissed without prejudice for plaintiff's failure to comply with the court's orders, specifically failing to submit the necessary paperwork required for service. Plaintiff was advised of his right to object to the Report and Recommendation by January 22, 2024. No objection has been filed. Plaintiff has therefore waived his right to appellate review of the factual and legal issues addressed in the report. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #51] and **DISMISSES** this action without prejudice.

**IT IS SO ORDERED.**

Dated this 31<sup>st</sup> day of January, 2024.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE